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Examiner M.L. Berch
Art Unit 1624**REMARKS**

Claims 1 and 29 – 46 are pending in the instant application. The claims have been amended to correct minor typographical errors, to correct improper multiple dependent claims, and to comply with the previous restriction requirements. Presently, claims 30, 45 and 46 have been amended. Claim 30 is rejected as being drawn to an improper Markush Group. On the Examiner's suggestion, the last three items of claim 30 have been removed to remove the non-elected subject matter. Claims 34, 35, 45 and 46 have been amended to refer to the claims in the alternative.

Upon entry of the present amendments, claims 1 and 29 – 46 will be pending. No new matter has been added by these amendments. Amendment of the claims is not to be construed as an acquiescence to any of the objections/rejections set forth in the instant Office Action, and was done solely to expedite prosecution of the application. Applicants reserve the right to pursue the claims as originally filed, or similar claims, in this or one or more subsequent patent applications.

Double Patenting

Claims 1, 29 – 30, and 34 – 41 are rejected under the judicially created doctrine of obviousness-type double patenting over claims 1 – 17 of U.S. Patent No. 6,352,991, because, “[a]lthough the conflicting claims are not identical, they are not patentably distinct from each . . . These claims are just a broader version of the claims of the parent.” Although Applicants traverse, in order to expedite prosecution, applicants submit herewith a terminal disclaimer pursuant to 34 C.F.R. 1.321(c), thereby making this rejection moot.

The Examiner objects to claim 31 “as being dependent upon a rejected base claim.” In the application, claim 31 is dependent on claims 1 or 29, which are rejected solely on statutory double patenting grounds. The Terminal Disclaimer submitted herewith fully addresses and overcomes the rejection of claims 1 and 29 and, as such, claim 31 does not depend from a rejected claim. Applicants respectfully request reconsideration and withdrawal of the objection. Applicants also note that claims 30, 34 and 35 were also dependent on claims 1 or 29 and not rejected by the examiner.

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CONCLUSION

Applicants submit that in view of forgoing comments and remarks, along with the enclosed terminal disclaimer, the application is in condition for allowance.

If a telephone conversation with Applicants' representative would expedite the prosecution of the subject application, the Examiner is urged to call the undersigned at (617) 227-7400.

Please charge our Deposit Account No. 12-0080 for any fees associated with processing or entry of this submission.

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